

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

THOMAS KARMAZIS,

Plaintiff,

v.

Case No. 13-cv-1120-JPG-PMF

DR. SHAH and A. RECTOR, ,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Thomas Karmatzis' appeal of an order by Magistrate Judge Philip M. Frazier. A district court reviewing a magistrate judge's decision on nondispositive issues should modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). The Court may also *sua sponte* reconsider any matter determined by a magistrate judge. L.R. 73.1(a); *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 760 (7th Cir. 2009).

In his July 31, 2014, objection (Docs. 86 & 87), Karmatzis challenges Magistrate Judge Frazier's July 28, 2014, order (Doc. 83) denying Karmatzis' motion for reconsideration (Doc. 35) of Magistrate Judge Frazier's order (Doc. 21) denying without prejudice Karmatzis' motion for recruitment of counsel (Doc. 3). Magistrate Judge Frazier originally denied Karmatzis' motion as premature because had not demonstrated he had made reasonable efforts to obtain counsel on his own or was effectively precluded from doing so. Magistrate Judge Frazier denied Karmatzis' motion for reconsideration on the grounds that the evidence Karmatzis later submitted did not show he had attempted to retain counsel *in this case*; the letters he sent to counsel seeking representation preceded the events at issue in this case by several weeks. With his objection (Doc. 86) to Magistrate Judge Frazier's denial of his motion for reconsideration, Karmatzis

submits undated letters he asserts he sent to other counsel, who did not respond. In his August 8, 2014, amended objection (Doc. 87), Karmatzis includes a letter from one attorney he contacted declining to represent him.

In the meantime, Magistrate Judge Frazier considered and denied without prejudice (Doc. 88) a separate motion by Karmatzis for recruitment of counsel (Doc. 64). In that order, Magistrate Judge Frazier found Karmatzis had made a reasonable effort to retain counsel for this case without success, but found that Karmatzis is competent and capable of litigating this case himself.

The Court has reviewed the entire file and finds Magistrate Judge Frazier's July 28, 2014, order (Doc. 83) was not clearly erroneous in light of the evidence in the file at the time of that ruling. Additionally, the Court notes that Magistrate Judge Frazier has subsequently acknowledged, based on new evidence, that Karmatzis made reasonable efforts to obtain counsel in this case. Thus, the issue of whether Karmatzis made reasonable efforts to obtain counsel is no longer in question. Accordingly, the Court **DENIES as moot** Karmatzis' objection and amended objection (Doc. 86 & 87).

IT IS SO ORDERED.

DATED: January 6, 2015

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE